

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

KIMBERLY DAWN BRAGNA

§

v.

§

CIVIL ACTION NO. 6:11cv551

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION

§

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Commissioner's Motion to Dismiss, construed as a Motion for Summary Judgment, be granted and this action be dismissed with prejudice as untimely filed and for lack of subject matter jurisdiction. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

**ORDERED** that the Commissioner's Motion to Dismiss (docket entry #5), construed as a Motion for Summary Judgment, is hereby **GRANTED** and this action is hereby **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**SIGNED this 22nd day of February, 2012.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE